

2013 SENATE TRANSPORTATION

SB 2348

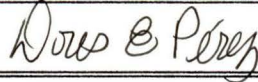
2013 SENATE STANDING COMMITTEE MINUTES

Senate Transportation Committee
Lewis and Clark Room, State Capitol

Senate Bill 2348
February 07, 2013
Recording Job Number: 18459

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill:

Relating to restricted commercial driver's licenses

Minutes:

Attached testimony: 1

Chairman Oehlke opened the hearing on SB 2348.

Senator Joe Miller (District 10) **and Representative Craig Headland** (District 29) are the sponsors of this bill. They explained that, currently, North Dakota law allows a restricted commercial driver's license be issued for one hundred and eighty consecutive days to employees of agrichemical businesses. This reflects federal law. The problem is that the licenses are usually issued in April and by mid-fall they have already expired. This bill will allow for a break in the one hundred and eighty days, so that in spring it will be good for a portion of the time and in the fall still work. Federal law allows breaking up the one hundred and eighty days. They want the state law to also allow for the breakup of the one hundred and eighty day period.

Chairman Oehlke What does the license restrict you to?

Representative Headland To the type of vehicle you can drive would not apply to an eighteen wheeler, only for agriculture related vehicles.

Senator Sinner This bill would allow you to divide the 180 days into two ninety, four forty five day period, three sixty day or whatever you would like.

Representative Headland Yes, that is the intent and the federal statute allows it.

Spencer Wagner, Fertilizer Specialist North Dakota Department of Agriculture Written testimony #1, in favor of this bill. He also requested that section 19-20.2-11, regarding the anhydrous ammonia nurse tank lock, be repealed.

Chairman Oehlke In your testimony you talk about training, does anybody who transports farm agricultural chemicals must take that training?

Spencer Wagner Anybody who has an anhydrous ammonia distributor's license and those employees who work with anhydrous ammonia, we train. There are other training

requirements for different chemicals in the agricultural setting but as far as anhydrous ammonia that is the training we provide.

Chairman Oehlke Is that true for the temporary restricted licenses as well?

Spencer Wagner It is an annual training that we offer to the anhydrous ammonia industry. In reference to the restricted commercial driver's license that would be something that they have to go thru North Dakota Department of Transportation (DOT), we train on safety, proper usage, accident response and that is for anybody that transports or works in any direct or indirect way with anhydrous ammonia.

Vice Chairman Armstrong In regards to the locks is it because it is unenforceable and cumbersome?

Spencer Wagner Yes, on top of being very hard to enforce on our end, it is burdensome because it has to be locked any time not in use and it has to be a special kind of lock, not just any lock. Attorney General and Law Enforcement say they have come up with better ways to combat methamphetamine use problems.

Gary Knudson Executive Director North Dakota Agricultural Association representing about 450 dealers, distributors, manufacturers of fertilizers, pesticides, seeding and various crop inputs. We support this bill not only in terms of safety but in terms of the seasonal industry.

Steve Strege North Dakota Grain Dealers Association in support of this bill. Finding commercial driver's license drivers is not easy, so this bill would provide flexibility. We also offer safety training, mostly in elevator safety.

No other testimony in favor. No opposing testimony. Neutral testimony:

Glenn Jackson Director, Driver's License Division, North Dakota Department of Transportation (DOT) We agree there needs to be flexibility for the restricted commercial licenses. We are limited by federal statute to one hundred and eighty days in a three hundred and sixty five day period. The concern is the licensing process. When we issue a license it has to have an end date, and then has to come back in, go through the process and we issue another one with another end date. If it is doable to give someone the ability to come in and say they want a license for just one/two months, etc... so that it adds up to a one hundred eighty days in a year's period, that's at least four licensing processes the individual and we had to go through. We have the ability to meet this need. Our concern is the number of processes.

Chairman Oehlke Can I pick any set of month/ periods; would it be possible to issue it as one permit with different dates, i.e. April thru June, August thru October covered all in one license so you don't have to do two of them?

Glenn Jackson Our system does not allow us to do future licensing period, I would need to verify that.

Senator Sitte I wonder if you could have a computer program that allows driver to pick dates and print off a sheet and show it if pulled over and when it gets to one hundred and eighty days. Issue license one time at the beginning of the year for the entire year then they have to supplement that going on-line and filling in specific dates so that the state knows when the person activated the license so that the responsibility is on the person.

Glenn Jackson We need to find out if feasible from our IT people; and if auditable from/ by the FMCA (Federal Motor Carriers Association). It could be done but I am not sure how we would do it, how much it would cost and how long it would take.

Committee members had questions for which Mr. Jackson had no answers at the moment. He told the committee he will get back with the answers.

No additional testimony. Hearing closed.

2013 SENATE STANDING COMMITTEE MINUTES

Senate Transportation Committee
Lewis and Clark Room, State Capitol

Senate Bill 2348
February 08, 2013
Recording job number 18570

Conference Committee

Committee Clerk Signature

Doris B. Pérez

Explanation or reason for introduction of bill/resolution:
Relating to restricted commercial driver's licenses

Minutes:

Attached testimony 2

Chairman Oehlke opened the discussion on SB 2348. Distributed a communication from Linda Butts, Deputy Director for Driver and Vehicle Services, North Dakota Department of Transportation (DOT) answering some of the questions we had yesterday, attached testimony #1, and an amendment prepared by the North Dakota Department of Transportation (DOT) attached testimony #2.

Senator Sinner The applicant can choose two ninety days periods to get to a hundred and eighty days and this will be what the new bill will allow.

Senator Flakoll If a law enforcement officer pulls over someone, how do they know that they are within the one hundred and eighty days parameters?

Chairman Oehlke They have computer in their cars that can immediately access that information

Senator Sitte It was said yesterday that anyone transporting anhydrous ammonia must pass an annual training program

Senator Flakoll moved North Dakota Department of Transportation (DOT) proposed amendment

Senator Sitte second

Voice vote: yes 7 no 0 absent not voting 0

Senator Sitte moved do pass on bill as amended

Senator Axness second

Roll call vote: yes 7 no 0 absent 0

Carrier **Senator Campbell**

February 8, 2013

2/8/13
TO

PROPOSED AMENDMENTS TO SENATE BILL NO. 2173

Page 2, line 2, remove "on the"

Page 2, line 3, remove "state highway system which has an estimated cost of twenty million dollars or more."

Page 2, after line 27, insert:

- "4. If the department utilizes the design-build method, it may train key personnel and develop procedures in accordance with accepted design-build best practices. The design-build training of key department personnel may be through an accredited university or a nationally recognized design-build certification program.

5. The department may not exceed two percent of the department's total annual projects, or thirty million dollars, whichever is less, for projects utilizing the design-build method.

Renumber accordingly

Date: 02/08/2013
Roll Call Vote # 1

**2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL NO. 2348**

Senate TRANSPORTATION Committee

Check here for Conference Committee

Legislative Council Amendment Number 13.0859.01002

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Senator Flakoll Seconded By Senator Sitte

Senators	Yes	No	Senator	Yes	No
Chairman Dave Oehlke			Senator Tyler Axness		
Vice Chairman Kelly Armstrong			Senator George Sinner		
Senator Margaret Sitte					
Senator Tim Flakoll					
Senator Tom Campbell					
<i>Voice Vote</i>					

Total (Yes) 7 No 0

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent: To allow a commercial restricted driver's license for an agrichemical business to be issued for a single period of one hundred and eighty days or two periods of ninety days withing a twelve month period

Date: 02/08/2013
Roll Call Vote # 2

**2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL NO. 2348**

Senate TRANSPORTATION Committee

Check here for Conference Committee

Legislative Council Amendment Number 13.0859.01002

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Senator Sitte Seconded By Senator Axness

Senators	Yes	No	Senator	Yes	No
Chairman Dave Oehlke	X		Senator Tyler Axness	X	
Vice Chairman Kelly Armstrong	X		Senator George Sinner	X	
Senator Margaret Sitte	X				
Senator Tim Flakoll	X				
Senator Tom Campbell	X				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Senator Campbell

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2348: Transportation Committee (Sen. Oehlke, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2348 was placed on the Sixth order on the calendar.

Page 1, line 7, after "issued" insert "for a single period of one hundred eighty days or two periods of ninety days within a twelve-month period"

Page 1, line 9, remove "A restricted"

Page 1, remove lines 10 through 12

Renumber accordingly

2013 HOUSE TRANSPORTATION

SB 2348

2013 HOUSE STANDING COMMITTEE MINUTES

House Transportation Committee Fort Totten Room, State Capitol

SB 2348
03-14-13
Job # 19954

Conference Committee

Committee Clerk Signature

Leannette Cook

Explanation or reason for introduction of bill/resolution:

A bill relating to restricted commercial driver's licenses.

Minutes:

Attachment 1-2

Representative Craig Headland, District 29, spoke to support SB 2348 and asked that a further amendment be added to the bill. He suggested that discretion be left to the Department of Transportation to allow for the applicant to find the number of days that they need.

Chairman Ruby: In the existing language it doesn't really have a limit of days for the license. Has it always been 180 days?

Representative Headland: I believe that is Federal Law.

Chairman Ruby: You are encouraging the 180 days to be split into two or more sections? That would be more difficult to implement, wouldn't it?

Representative Headland: I agree, it would be more difficult. We are trying to allow someone the full length of the agricultural season to be able to haul anhydrous. It may start in March and possibly go until the first of December. We would like the 180 days to be split in any fashion that works for the user.

Representative Weisz: It seems like current law gives complete flexibility, but this bill limits it. Do we have to change this to comply with federal regulations?

Representative Headland: I think that the Department of Transportation in North Dakota has determined that once that application is applied for, the 180 days start. Once the 180th day is there, the applicant is done. There is no provision that allows for more than one license in a year's time. The Senate provided for two 90 day periods, I believe.

Representative Delmore: Would these people not have a commercial driver's license at all and be able to haul anhydrous?

Representative Headland: No, they would have a restricted CDL which would allow for the commercial transport of anhydrous tanks. In the past most of the companies that have

hired these employees have just used people with a regular driver's license. The Department of Transportation or Highway Patrol has decided that they are going to enforce the use of the restricted licenses.

Chairman Ruby: How heavy is an anhydrous tank?

Representative Headland: I can't answer that question.

Glenn Jackson, Director of Driver's License Division, North Dakota Department of Transportation, spoke to support SB 2348. He passed around an example of a Class D restricted driver's license. He stated that the biggest issue the Department of Transportation had when looking at this was the process. It was interpreted to be a single 180 day license. The reason was, that we had not had a request to look at it any other way. The Department of Transportation is willing to be flexible. You must understand that when we issue a license; it is a complete process. The driver data must be validated, all of the checks and balances of a CDL issue. It is a separate license which has a separate fee for each one. The issues that come up are: how many do you issue on the one fee? Only 180 days' worth can be approved in a 12 month period; do we issue 3-5, or 1-2? It will cost the individual to get it, and cost us time, effort, and product to generate it. So, how do we get through that? The original wording on the bill stated that the individual would coordinate with Department of Transportation when they would like to have it. There is a concern that if some wants one of these licenses every other month, how do we manage that and make it a reasonable process? We recommended the two 90 day periods. Three 60 day periods has also been suggested. That would be manageable as well. We need to get it so we can limit the processing for our staff and the individuals.

Chairman Ruby: Are they \$20 each?

Glenn Jackson: I believe they are \$15.

Representative Gruchella: Will you have to issue a new license each time?

Glenn Jackson: Yes, we will. It is a separate license process. It has to have an end date when it is issued, and a start date and end date for the next one.

Representative Delmore: Would I be able to get two 90 day licenses consecutively, or three 60? If so, why wouldn't you just do the 180?

Glenn Jackson: We would like to have the flexibility to do the 180, two 90s, or three 60s, or a 90 and a 60. We just need something that is defined so we can manage the process.

Representative Schatz: Why don't you just issue a 365 day license?

Glenn Jackson: Because federal requirements say we can only issue for 180 days in a 12 month period. Other than that you have to have a full CDL; you can't get this restricted license. We could issue a 60 or 90 day license now under existing law. For process purposes we wouldn't want to get into the 30, 15, or 40 day periods and try to match up the 180 days for someone.

Representative Delmore: Are you concerned about the safety of issuing these?

Glenn Jackson: It is not a safety issue, per se. These individuals are getting additional haz-mat training and the other things that they need. The companies want to make sure that they have good drivers.

Representative Gruchella: How many of these special restricted licenses do you issue?

Glenn Jackson: I think we have about 140 right now.

Representative Gruchella: Do these individuals mostly work for Ag chemical companies? Is testing the issue here?

Glenn Jackson: I don't think it is an issue of testing, but an issue of flexibility. The desire is to extend through the entire growing season. If someone gets their license in March, after 180 days they can't drive any more. They may need to use the license in the spring and again in the fall. We want to be able to give them the flexibility.

Chairman Ruby: This is a restricted commercial driver's license. In the time that an applicant has this license, are they required to do the Department of Transportation drug testing? Are they under all the same conditions as a regular CDL?

Glenn Jackson: Yes, they have to meet all the federal requirements.

Representative Oversen: Why don't people just get a full CDL license?

Glenn Jackson: That is a good question.

Representative Headland: In a lot of cases the people are retirees that are hired seasonally. If the anhydrous towing season lasts for three weeks in the spring, that's when they work. They don't want full time employment and aren't going to go through the process of getting a full CDL when they have no use for it. The federal government has recognized the need for this as well.

Chairman Ruby: Do you have a suggestion as to what we should use for choices?

Glenn Jackson: We are looking for something to program into the system to be able to generate licenses, so that when we select this particular license, it automatically enters the end date. That would be the difficulty in trying to isolate a few days here and there. We want to have some mechanism to have certain flexibility but keep it in a controlled nature. We don't necessarily need additional statutory authority to do that. We could do it with what we have now, but if we then tell someone that we only have three 60 day periods, and they want something different, we may be back where we are now. Do we need something to clarify that?

Chairman Ruby: You mentioned a programming change. It seems that any programming change that we propose to the Secretary of State's Office, for example, is at least \$100,000.

Glenn Jackson: This would be about \$2000 worth of IT time, that's all. Our vendor that generates our licenses is required to do minor modifications based on legislative changes through the year. They are done at no cost. We have some work that we do on our side, but something like this would be very minor.

Representative Kreun: Why don't we just say that you can pick a 30, 60, 90, or 180 day license?

Glenn Jackson: That would work, but we would still have to issue two separate licenses and charge for them. It can be done one time up front. An individual verifies what they want, and the next license would automatically send out a week before it is due.

Representative Weisz: If it allows picking any combination equaling 180 days in a twelve month period, does it make a difference how many days are in a period as long as they don't go over the 180,105 days and 75 days, for instance? Does that cause more processing? If you are looking at seasonal work, you really only need two licenses.

Glenn Jackson: That is the issue. If we create a system or try to make changes to the system to that give us the ability to put in the number of days that someone wants a license, that will be harder to build than if I can just have it in the system prebuilt, a sixty day license, or 40 day, or whatever the number is. It might cost more to do it the way you are suggesting. I'm not sure what it will cost.

Representative Weisz: So, when you do the new license, you just enter the time period that you want, and it automatically puts the start and end dates in?

Glen Jackson: That is correct. It is automated, and it is easy and fast.

Spencer Wagner, Fertilizer Specialist, testified in support of SB 2348. Written testimony was provided. See attachment #1. (27:00)

Representative Delmore: Do you want this provision to be only for anhydrous?

Spencer Wagner: No, we don't want it specifically for anhydrous. That was just an avenue that brought me into this discussion.

Gary Knudson, North Dakota Agriculture Association, spoke to support SB 2348, and stressed that his organization supports flexibility.

Steve Streggee, North Dakota Grain Growers Association spoke to support SB 2348. Written testimony was provided. See attachment #2.

There was no further testimony on SB 2348.

Vice Chairman Owens: Mr. Jackson, tell me if it is possible to enter a start date and end date, then you have columns you can enter no more than six. It would count inclusively, and the program would be written to add that up to be no more than 180 days. If it did, the

license would not issue, and the applicant would have to change the days to equal 180 days or less. It would be a simple program.

Glenn Jackson: I'm not sure. I am not a programmer. It would be easier to manage with three 60 day time periods or something along those lines. We can do something else, but it would take more people management and be a larger work load.

Representative Weisz: I don't see the reason for more than two periods. If it is seasonal, you would only need two time periods. Can you go back to and talk to your people to see what it would cost to enter the start and end date, with a maximum of two licenses, and no more than 180 days? We would like to know if the cost is excessive.

Glenn Jackson: I mentioned three periods because I heard someone talk about needing help in the spring, some in the summer, and then again in the fall. There was some discussion of three periods.

There was some discussion on the different period options.

The hearing was closed on SB 2348.

2013 HOUSE STANDING COMMITTEE MINUTES

House Transportation Committee
Fort Totten Room, State Capitol

SB 2348

03-15-13

Job # 19986 (End of recording 21:50-23:50)

Conference Committee

Committee Clerk Signature

Jeanette Cook

Minutes:

Attachment #1

Chairman Ruby brought SB 2348 back before the committee. He shared the information that he received from Department of Transportation about the cost for the changes of the computer program that we asked about. See attachment #1.

Representative Weisz: Is that saying that you would have to ask for licenses for the full twelve months to be issued at the same time or you would not be able to come back and ask for another license in that period?

Vice Chairman Owens: No, he is not saying that you cannot come back and ask for another one. He is saying that it is a rolling twelve months, not a calendar twelve months.

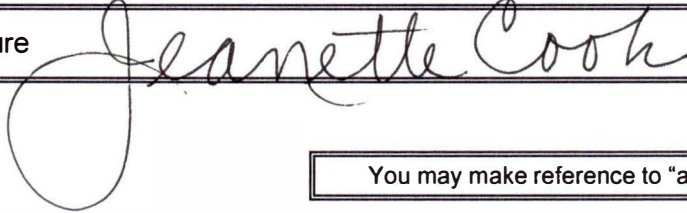
Chairman Ruby: That is for your information. We will work on it later.

2013 HOUSE STANDING COMMITTEE MINUTES

House Transportation Committee
Fort Totten Room, State Capitol

SB 2348
03-21-13
Job 20332

Conference Committee

Committee Clerk Signature 

Minutes:

You may make reference to "attached testimony."

Chairman Ruby brought SB 2348 back before the committee.

Vice Chairman Owens moved a **DO PASS** on **SB 2348**.
Representative Vigesaa seconded the motion.

Representative Delmore: Is there a reason that we don't want to allow more flexibility than one period of 180 or two periods of 90?

Representative Weisz: I did like the idea of having more choices, but we ran into the problem of this being done on a calendar year, not a twelve month period. Then from an administrative standpoint it became extremely difficult. The intent of this bill is for the Agriculture Industry to be able to use it. With the two periods of 90 days it should cover the spring and the fall seasons. Otherwise they could get a Class B CDL.

A roll call vote was taken. Aye 13 Nay 0 Absent 1 The motion carried.
Representative Kreun will carry **SB 2348**.

Date: 3-21-13
 Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2348**

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt
 Amendment

Rerefer to Appropriations Reconsider

Motion Made By Owens Seconded By Vigesaa

Representatives	Yes	No	Representatives	Yes	No
Chairman Dan Ruby	✓		Rep. Lois Delmore	✓	
Vice Chairman Mark Owens	✓		Rep. Edmund Gruchalla	✓	
Rep. Rick Becker	✓		Rep. Kylie Oversen	✓	
Rep. David Drovdal	✓				
Rep. Robert Frantsvog	✓				
Rep. Brenda Heller	✓				
Rep. Curtiss Kreun	✓				
Rep. Mike Schatz	A				
Rep. Gary Sukut	✓				
Rep. Don Vigesaa	✓				
Rep. Robin Weisz	✓				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Kreun

If the vote is on an amendment, briefly indicate intent:

Carried

REPORT OF STANDING COMMITTEE

SB 2348, as engrossed: Transportation Committee (Rep. Ruby, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2348 was placed on the Fourteenth order on the calendar.

2013 TESTIMONY

SB 2348

COMMISSIONER
DOUG GOEHRING



ndda@nd.gov
www.agdepartment.com

NORTH DAKOTA
DEPARTMENT OF AGRICULTURE
STATE CAPITOL
600 E BOULEVARD AVE DEPT 602
BISMARCK ND 58505-0020

Testimony of Spencer Wagner
Fertilizer Specialist
Senate Bill 2348
Senate Transportation Committee
Lewis and Clark Room
February 7, 2013

Chairman Oehlke and members of the Senate Transportation Committee, I am Spencer Wagner, fertilizer specialist for the North Dakota Department of Agriculture (NDDA). I am here today in support of SB 2348, which will amend provisions of the North Dakota Century Code 39-06.2-06.

Chapter 39-06.2 deals with the requirements of commercial motor vehicles. The proposed amendments allow an employee of a licensed agrichemical business the opportunity to apply for a restricted commercial driver's license (CDL) and set the dates in which the license shall be valid up to a total of 180 days in the given calendar year. This bill will help employees of agrichemical businesses get their products to the customers in the field safely and quickly during the planting and growing seasons in the state. In the case of anhydrous ammonia, which is a vital fertilizer used by farmers across the state, employees of a licensed dealer will now be able to get the restricted CDL and set the dates in which the license is valid to best fit the spring and fall use seasons. Currently the license is only valid for 180 continuous days.

If passed, this bill will increase the chance that employees of a licensed anhydrous ammonia

distributor, which must take annual safety training, will transport anhydrous ammonia nurse tanks. Having trained employees transporting anhydrous ammonia will help reduce the chances of an accident and improve public safety. Also, please note that the NDDA provides annual anhydrous ammonia safety training for the industry. If this bill is enacted, we will inform the industry of the changes to the law and help them come into compliance.

We would also support an amendment to SB 2348 to repeal North Dakota Century Code 19-20.2-11. This section requires the agriculture commissioner to adopt rules implementing security measures in critical methamphetamine use zones to prevent the theft of anhydrous ammonia for the manufacturing of methamphetamine. At the suggestion of the Attorney General, the NDDA has proposed repealing, North Dakota Administrative Code Article 7-12-02 which established the nurse tank lock program. This repeal of the Century Code will ensure that the Century Code and Administrative Code do not conflict.

Chairman Oehlke and committee members, I urge a do pass on Senate Bill 2348. I would be happy to answer any questions you may have.

Oehlke, H. Dave

From: Butts, Linda N.
Sent: Friday, February 08, 2013 8:05 AM
To: Oehlke, H. Dave
Cc: Levi, Grant N.
Subject: 2348 questions
Attachments: SB2348.docx

Senator Oehlke, here are responses to questions from yesterday's meeting on SB2348. Please feel free to share with your committee.

Here is some general information on the process, and then below are answers to the specific questions.

Restricted CDL License, Current Process:

1. Driver picks up the application or we mail him/her the application form.
2. Driver and Employer complete the application to include a vision test, which can be an optometrist report or a visit to our office.
3. Driver or Employer submits the application with \$15 fee to Central Office.
4. Central office completes the required record checks (Problem Driver Pointer System (PDPS)/Commercial Driver's License Information System (CDLIS) check for DUI, speeding, etc.) to ensure driver meets the good driving record criteria listed in 49 CFR 383.3.
5. Central office processes the seasonal CDL as soon as the driver is eligible (can only have one 180 day within a 12 month period).
6. Once we complete processing we hold the paperwork in a hold file and print on the effective date selected by the individual and mail the license out.

Questions from the committee meeting:

1. Senator Oehlke- could I come in today and ask for my temporary CDL to be issued in April? Yes. It would be effective the day we print it, so if we print on April 1, it is good for 180 days from the print date. But we could process the request today.
2. Senator Oehlke- would you charge each time I get a get a CDL? Could we do something online? We go through the same driver record checks and print the license on the same printer as a regular CDL. So while the costs are higher to issue multiple licenses, we can program the computer to charge only \$15. The cost is a policy decision for the legislature. We do not issue licenses online, however we will put the application form online so people can easily access it.
3. Senator Sinner- how many do we issue/year We average 140 per year
4. Senator Campbell- does federal law override state law pertaining to CDLs. Yes, The Federal Motor Carrier Safety Administration is chartered by the federal government with regulation of the commercial license program.
5. Senator Sitte: Could you write a computer program stating this temporary CDL is good from Jan 1 to Dec 31, then the person could go online and activate it whenever they needed it. They'd print out some sort of paper document to show to law enforcement. We are required to validate an applicant's current driving record prior to issuance of a each license looking for issues that would prevent issuance of the license. However, we could have the individual fill out one form at the beginning of the year and select two 90 day options with effective dates and we could then process the first one and issue it. A week before the next one is to be effective we could revalidate driver record information and then issue the second one. This would at least keep the required applications and contacts by the driver to one per year instead of two, but yield increased flexibility for the seasonal use of the license.

In closing, the department does have an amendment drafted that would change the bill to accommodate the two 90 day license periods discussed if that met the needs of the bill sponsor. I have attached this in case it would be helpful for your on-going discussions. This change would also make it a possibility for all users of the restricted CDL, not just the tribusiness users.

Linda Butts
Deputy Director for Driver and Vehicles Services
North Dakota Department of Transportation
608 East Boulevard Avenue
Bismarck, ND 58505-0700
Office 701-328-2727
lnbutts@nd.gov

PROPOSED AMENDMENTS TO SENATE BILL NO. 2348

Page 1, line 7 after "issued" insert "for a single period of one hundred and eighty days or two periods of ninety days within a twelve month period"

Page 1, line 9 remove "A restricted"

Page 1, line 10 remove "commercial driver's license for an agrichemical business is valid within the agricultural"

Page 1, line 11 remove "production season from January first through December thirty-first for a total of one"

Page 1, line 12 remove "hundred eighty days in any periods of time as chosen by the applicant."

#1

COMMISSIONER
DOUG GOEHRING



ndda@nd.gov
www.agdepartment.com

**NORTH DAKOTA
DEPARTMENT OF AGRICULTURE**

STATE CAPITOL
600 E BOULEVARD AVE DEPT 602
BISMARCK ND 58505-0020

**Testimony of Spencer Wagner
Fertilizer Specialist
Senate Bill 2348
House Transportation Committee
Fort Totten Room
March 14, 2013**

Chairman Ruby and members of the House Transportation Committee, I am Spencer Wagner, fertilizer specialist for the North Dakota Department of Agriculture (NDDA). I am here today in support of SB 2348, which will amend provisions of the North Dakota Century Code 39-06.2-06.

Chapter 39-06.2 deals with the requirements of commercial motor vehicles. Under the current law, an individual transporting agricultural chemicals such as pesticides or anhydrous ammonia can be issued a restricted CDL for a period of 180 days per year. The language in the bill would allow those 180 days to be used in one single period or in two 90-day periods.

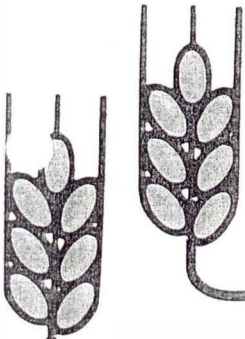
Restricted CDLs are a valuable option for agricultural businesses since they will help increase the likelihood that the person transporting chemicals will be a trained employee who knows how to respond in an emergency.

The Department supports flexibility in the period(s) that an applicant can apply for receiving a restricted CDL. This will provide the needed flexibility that agricultural businesses need in

North Dakota when weather is the determining factor of the season. We understand that the North Dakota Department of Transportation is willing to split the 180 days allowed under a restricted CDL into separate time periods.

My concern with the current language in the bill is that it locks the restricted CDL time windows into two options: 1) one 180-day window, or 2) two 90-day windows. We can envision a scenario in which an individual would want one 120-day period followed by a separate 60-day period. The current language in the bill does not allow for that level of flexibility. I would ask the committee to consider language that would allow the 180-day period to be divided into two periods not to exceed 180 days in total.

Chairman Ruby and committee members, I urge a do pass on Senate Bill 2348. I would be happy to answer any questions you may have.



NORTH DAKOTA GRAIN DEALERS ASSOCIATION

#2
STEVEN D. STREGE, Executive Vice President
CHERYL WELLE, Executive Assistant
SUE BENSON, Office Assistant
1325 23rd St. S., Suite A, Fargo, ND 58103-3723
Ph: 701-235-4184; Fax: 701-235-1026
Website: www.ndgda.org

STU LETCHER, Safety & Health Director
Cell: 701-799-0640

HAL GRIEVE, Senior Safety Specialist
Cell: 701-388-7222

TESTIMONY OF NORTH DAKOTA GRAIN DEALERS ASSOCIATION HOUSE TRANSPORTATION COMMITTEE HEARING – MARCH 14, 2013 SB 2348 – Restricted CDLs

Good afternoon Mr. Chairman and members of the House Transportation Committee. For the record my name is Steve Strege. I am the Executive Vice President of the North Dakota Grain Dealers Association, a 101 year-old organization representing grain elevators in our state. Our office is in Fargo and we are governed by a nine-man board of directors who are elevator managers around our state. Grain Dealers is here in support of SB 2348.

Grain elevators need employees with Commercial Drivers Licenses to haul grain and products like chemicals. We compete with other industries for such drivers. Our business is seasonal and the seasonality is not predictable far in advance. So the flexibility of breaking up the 180 days allowed by federal law for the restricted CDLs into multiple periods is desirable. We support the bill as is, with two 90-day periods. We can support further division of the 180 days so long as administratively feasible.

I am not an expert on CDLs, but I can tell you we need them and the flexibility provided by SB 2348 would be positive. We urge support of the bill. Thank you.

#1

The cost to modify the DL3 system to accommodate the ability to set a beginning and ending date for a Restricted CDL is approximately \$4000 more than normal programming changes, so it could cost around \$7000 total. This is above the cost of a couple of thousand to provide built-in options for a 180 or 90 day license.

Also, per a comment by Representative Owens, I wanted to clarify a point: this is a license period that is based on a 12 month moving window. It is not 180 days each calendar year. So if someone comes in and gets one that is good for 180 days on July 1st, that expires December 31st, they could not get another one until July 1st. Or, for example, someone has one for 60 days April and May; then July, August; then October, November. They could not get another one until April, so could not come in and get one in March, for example. It is not quite as easy to manage as it seems. Two 90 day periods may be the easiest for someone to use to get the growing season at both ends and be able to repeat year after year.